

FILE COPY

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

PAULINO BELGADO, JR., M.D.,

Respondent

ORDER MODIFYING THE FINAL DECISION AND ORDER

On September 23, 1993, the Medical Examining Board issued its Final Decision and Order in the above-captioned matter. By the terms of the board's order, respondent's license to practice medicine and surgery in Wisconsin was limited to require that Dr. Belgado participate in an assessment of his medical knowledge and skills conducted by the University of Wisconsin, School of Medicine, Continuing Education Program, under the direction of Thomas Meyer, M.D. The order requires that Dr. Belgado successfully complete an educational program designed by Dr. Meyer based upon the results of the assessment, and that the program include components relating to record-keeping and monitoring of Dr. Belgado's practice.

Under cover of his letter to the board dated June 28, 1994, Dr. Belgado enclosed his letter to Dr. Meyer dated June 21, 1994. The latter letter notified Dr. Meyer that Dr. Belgado was closing his private practice in New London, and had accepted a position with Dodge County Correctional Facility for two days per week. The position consisted primarily of doing physicals and work capability assessments of inmates prior to their transfer to other correctional facilities. Dr. Belgado indicated in his letter that because of the nature of his practice at Waupun, it would be impossible to comply with all components of the program ordered by the board and designed by Dr. Meyer relating to monitoring of Dr. Belgado's practice. Among these were a requirement that Dr. Belgado complete an evaluation form for 100 patients seen by Dr. Belgado for use by the program monitor in determining which patient records to review. Dr. Belgado cited to problems both in terms of providing a sufficient number of appropriate patient visits and with the confidentiality of the patient records to be provided.

Dr. Belgado appeared before the board at its meeting of August 24, 1994, to petition the board for relief from those aspects of the board's order relating to monitoring of his patient records and of his practice, and from those aspects of Dr. Meyer's program based upon that order. The board considered the request on that date and, by its Order dated August 30, 1994, ordered as follows:

NOW, THEREFORE, IT IS ORDERED that the monitoring requirements of the board's September 23, 1993 Final Decision and Order, found at paragraphs F. through R. of the Order, shall be suspended until completion of the home study portion of the educational program. Thereafter, the board shall consider recommendations by Dr. Meyer for completion of other required components of the program which shall be consistent with the purposes of the board's order and which shall, to the extent possible, consider the limitations imposed by the nature of

Dr. Belgado's current practice setting. Such recommendations by Dr. Meyer need not necessarily include a review of patient records in addition to those previously assessed by Dr. Meyer if it is deemed by Dr. Meyer and the board that questions as to the quality of Dr. Belgado's record-keeping have been satisfactorily resolved. In the event that Dr. Meyer is unable to design a program which satisfactorily addresses necessary monitoring requirements, the matter shall be remanded to the board for further proceedings.

In response to a department inquiry relating to Dr. Belgado's completion of the requirements at sections F through K of the board's Septemebr 23, 1993, Order, Dr. Belgado, by letter dated September 18, 1995, explained that, in his view, the circumstances of his employment with the department of Coorrections precluded the possibility of completing those requirements. The board considered the matter at its meeting of October 26, 1995, and modofies its September 23, 1993 Final Decision and Order as follows:

NOW, THEREFORE, IT IS ORDERED that Dr. Belgado is excused from complying with sections G through J of the board's Final Decision and Order dated September 23, 1993, until such time as he resumes the practice of medicine and surgery in a hospital setting. Dr. Belgado shall immediately notify the board upon resuming hospital practice.

IT IS FURTHER ORDERED that Dr. Belgado is not excused from fulfilling the requirements of sections F and K of the board's Final Decision and Order dated September 23, 1993, and shall commence the process described thereby forthwith.

DISCUSSION

The circumstances of Dr. Belgado's current employment, which is restricted to clinic practice does not permit him to complete the hospital proctoring procedures described in sections G through K of the board's order. Nothing about that employment setting would preclude his complying with the record-keeping requirements set forth at sections F and K, however, and the board therefore deems it appropriate that he fulfill his responsibility of complying with those provisions.

Dated this 7th day of November, 1995.

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

by W.R. Schwartz, M.D.
W.R. Schwartz, M.D., Secretary